

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

HEALTH AND SAFETY COMMITTEE MEETING

MINUTES OF MARCH 14, 2022

COMMITTEE MEMBERS PRESENT

Jacquelyn Crabtree
Reese Isbell
Paul Bryson
Lorianne Burr
Deedee Crossett
Brandy Hamilton
Brandon Hart
Paula Johnson
Mark Rierson
Leslie Roste
Yumi Youn

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

COMMITTEE MEMBERS ABSENT

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1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM

Kristy Underwood called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, ELECTION OF COMMITTEE CHAIRPERSON

Ms. Crabtree volunteered herself as Chairperson. Mr. Isbell seconded the motion. The motion was opened up for public comment.

- Wendy Cochran thanked Ms. Crabtree and stated that she understands the current regulations well.

Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn

Ms. Crabtree thanked the members and took over as Chair.

3. AGENDA ITEM #3, EXECUTIVE OFFICER'S OPENING REMARKS

Ms. Underwood thanked all the members for volunteering to be on the Committee. Ms. Underwood stated that the Health and Safety Committee is a statutorily mandated committee. The purpose of the meeting was to advise the Board on health and safety issues and trends. The Committee will undertake the health and safety regulations. The fine schedule will also be discussed during this meeting. The Committee members must report on the health and safety risks and give recommendations on how those concerns can be better addressed in California.

4. AGENDA ITEM #4, REVIEW AND POSSIBLE APPROVAL OF APRIL 19, 2021 MEETING COMMITTEE MINUTES

Chair Crabtree moved to approve April 19, 2021 Meeting Minutes. Mr. Isbell seconded the motion. No public comments were made. Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn.

5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE ACTION REGARDING THE RECOMMENDATIONS TO THE BOARD ON THE AMENDMENTS TO THE HEALTH AND SAFETY REGULATIONS: TITLE 16, ARTICLE 12, CALIFORNIA CODE OF REGULATIONS SECTIONS 977-995

Ms. Underwood stated that the past Committee worked extensively on updating the health and safety regulations. Today, the Committee's role was to make a recommendation to the Board. The Board can then ask for more information, make changes, send it back to the Committee, or approve what the Committee has done and ask that the regulation process be started. When anything is changed with health and safety, the regulations must be reviewed by several entities in the Department of Consumer Affairs. They also must be reviewed by the Department of Public Health. The process is long and could take several years.

Ms. Underwood stated that the numbering of any regulatory section usually does not change, or the change is as minimal as possible. The board must know the history of violations. The history is what is relied upon to do disciplinary actions or to cite the right fine amount. She further stated that the previous Committee worked on the regulations for about three years. Since the last meeting, staff has been working to ensure minimal changes and would not impact the database.

Ms. Underwood stated that staff expected to send all the regulations to the Board unless the Committee would like to see a section changed and sent to the Board for review. Chair Crabtree felt that no more changes were needed. Her focus was on fine amounts and how the Committee would figure out how to fine people who keep violating the same sections.

Mr. Bryson voiced concerns with regulation section 986(a)(2). He indicated that EPA-registered disinfectants are not supposed to go on the skin, so using them on a makeup application brush is problematic. Mr. Bryson also stated that cleaning a brush with a monomer is only appropriate if that brush is used to apply monomer. He further stated that although disinfectants are used on a foot spa or a tool, those are thoroughly rinsed, but brushes are more sensitive. Ms. Underwood asked if saying “Clean with the cleansing agent” on the regulation would be fine. Mr. Bryson pointed out that that would give people the freedom to use any disinfectant. He proposed removing “EPA-registered disinfectant spray” and adding “(for monomer application brushes only).”

Ms. Hamilton stated that the language on brushes was not clear regarding the appropriate use of natural hair bristles regarding makeup brushes and some hairbrushes. For disinfection, she stated that antibacterial soaps could be used, not necessarily the chemicals that should not go on the skin.

Ms. Crossett requested that the health and safety guidelines specify what schools should teach regarding linens. She asked if there was a way the regulations could indicate that students should be taught how to do laundry.

Ms. Roste stated that the EPA-registered disinfectant was included in the regulations because it encompasses all brushes, including hairbrushes. She felt that the word disinfectant should remain in the regulation. The language should be more specific to brush type to use the appropriate cleansing agent. She noted that the effort was to reduce the spread of things such as ringworm.

Ms. Burr suggested adding ‘follow manufacturer guidelines for sanitation and disinfectant’ to the language, covering various brushes and materials.

Mr. Bryson added that the language should be unambiguous that the EPA disinfectants use non-porous materials such as hairbrushes, combs, and nail salon tools.

Ms. Underwood recommended a motion to approve the proposed health and safety regulations submitted to the Board with the caveat that section 986 be revised to address brushes by types.

Chair Crabtree moved to approve the proposed health and safety regulations to be submitted to the Board with the caveat that section 986 be revised to address brushes by types. Mr. Isbell seconded the motion.

The motion was opened up for public comment.

- Wendy Cochran stated that section 978(b)(2) must have an industry bulletin to clarify which products need an SDS. Regarding section 979(e), Ms. Cochran stated that tweezer cases should be considered. Regarding section 979(d), she stated “place” was too vague. Regarding Section 986, Ms. Cochran echoed Mr. Bryson’s sentiments on avoiding skin contact with EPA-registered disinfectants as they might cause problems with contact dermatitis. Regarding Section 987,

Ms. Cochran stated most estheticians place their linens inside duffel bags or plastic bags and carry them out to do their laundry at the end of a day. Regarding Section 989 #3, “to cut or remove the skin” would prohibit dermaplaning, which was currently available to licensed estheticians to perform. Regarding Section 989 #8, the language about glue was unclear whether or not it was eliminating wig glue for lash extension work. Ms. Cochran stated Section #9 should specify what injection means and Section 991 #6 might mean peels would be questioned.

- Ms. Knight stated that the regulations would be presented before the Committee several times. The comments will be presented to the Board and the Regulation Counsel during the review process. She requested Ms. Cochran to send her comments to Ms. Underwood.

Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted “Yes”: Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn.

6. AGENDA ITEM #6, DISCUSSION AND POSSIBLE ACTION REGARDING THE STAFF'S ANALYSIS OF THE BOARD'S LAWS, REGULATIONS, AND RECOMMENDATIONS FOR ESTABLISHMENT OF A SCHEDULE OF ADMINISTRATIVE FINES PURSUANT TO THE REQUIREMENTS OF BUSINESS AND PROFESSIONS CODE SECTION 7407.

Senate Bill (SB) 803 requires the Board to look at fines to determine what directly impacts consumer safety.

Staff went through all the fines and ranked their risks. The Legislature wondered if the safety of consumers was improving by issuing fines to licensees for issues that might not directly impact consumer safety. Ms. Underwood stated that 2020 and 2021 had no data because COVID and the salons were closed. Staff recommended a risk level to the Committee based on the experience of what was seen in consumer harm cases. They also provided reasons behind each risk level.

Section 7313, Access to the Establishment for Inspection

Ms. Underwood explained that the Board is required to inspect establishments anytime businesses provide services or during business hours. This section is when an individual physically prevents an inspector from conducting an inspection. Staff ranked this risk as high because preventing a health and safety inspection from being done meant something questionable was going on in the salon. No changes were recommended for this section since it was deemed a high risk to consumers.

Chair Crabtree agreed that oftentimes individuals do not allow inspectors into their establishments. She inquired whether the fine amounts could be changed. Ms. Underwood stated that the Committee had the authority to recommend changing the fines to the Board.

Ms. Burr believed that the fine was meager. She suggested a fine of \$1000. Chair Crabtree agreed and added that the fines should go up even higher every time someone blocks an inspector. Ms. Hamilton also wondered if other disciplines could be added to the fine. Mr. Hart stated that some businesses would not allow an inspector into their businesses for fear that they might find things that would lead to additional fines. Harsher penalties will ensure that employers comply with the rules.

Ms. Youn stated that some businesses work after hours to avoid inspection and asked what measures could be taken. Ms. Underwood stated that DCA was working to inspect such locations even after hours. She indicated that salons locked their doors during the inspection and continued providing services inside. Such salons got cited and fined.

Ms. Underwood stated that the maximum fine amount for citations is \$5000. She recommended raising the first fine to \$1000, then escalating it to \$1250 and \$1500 for the third violation. Ms. Burr voiced support of the recommendation. Mr. Isbell suggested going higher than \$1250 for the second violation. He felt the fines should go from \$1000 to \$1500 to \$2000. Chair Crabtree agreed.

Mr. Rierson indicated that sometimes inspectors come during a client visit. He asked if client visits should be stopped when an inspector comes in. Ms. Underwood said Inspections should not interrupt services.

Ms. Roste asked if there was a way to temporarily shut down businesses after the third time they denied the inspectors access. She felt that letting it get to the third violation implied that the violators kept getting away with wrongdoing. Ms. Underwood stated that three visits were used as the benchmark. DCA looks to take action on the third visit, especially on licensed establishments.

Ms. Crossett commented that the fines are not as big a deterrent as losing a license or being on probation. Ms. Underwood agreed and added that a salon has to provide access to all establishment areas. A locked cabinet would be a violation. Ms. Underwood recommended separating those two situations. She explained that independent contractors and booth renters in the industry lock up their items. Deputy Executive Officer, Carrie Harris, stated that section 904(f) allowed the executive officer or any authorized representative of the Board to have access to and inspect all areas within an establishment. Ms. Harris suggested adding a fine to this section to separate it from the violation of physically preventing an inspection.

Ms. Underwood suggested that the discussion on raising fines to be continued at the next Committee meeting to give staff time to separate the two situations.

Section 7317(a), Unlicensed Establishment

Ms. Underwood explained that this section is cited when an establishment has no establishment license or changed ownership, moved, and has not applied for or received a new establishment license. Even though establishment licenses are not

transferable, some establishments move and post their old licenses. If an inspector explains to the establishment owner that a new license is required and the owner applies for a new one, then a fine will not be issued. If even after six weeks, the establishment has not applied for a license, then the fine will be issued.

Ms. Underwood stated that this was a high-risk violation, according to the number of times the violation had been cited. She believes the fine amounts are acceptable. Ms. Youn suggested raising the fines for this violation, mainly since many mobile service providers were unlicensed. She suggested starting the fines at \$1000 and going higher for the second and third violations. Ms. Hamilton echoed the same sentiments. She wondered if the Board has a task force that manages online traffic to check Instagram business accounts. Chair Crabtree said that she could report an unlicensed establishment by sending a direct complaint to the Board. The Committee agreed to set the fines at \$1000, \$1500, and \$2000.

7317(b), Unlicensed Individual

Ms. Underwood explained that this section is cited when an inspector finds an unlicensed person performing services. Chair Crabtree indicated that there are many unlicensed individuals and suggested raising the fines, starting from \$1000, to \$1500, to \$2000. Ms. Underwood stated that this violation is also cited to an apprentice who has been left alone and provides services as apprentices must be supervised at all times. Ms. Youn agreed that the fines should be high and should be in addition to some disciplinary action. Ms. Underwood stated that disciplinary action could be taken against the salon owner if the individual is working in a licensed establishment. She explained that when citing an individual for unlicensed activity, action cannot be taken against them because the Board takes action against a license. Ms. Underwood stated that the Board is working on a separate regulation issue for the apprentice program.

7317(c), Expired Establishment License

Ms. Underwood stated that staff ranked this violation as a low-medium risk because it is often a mistake. Most of the time, the owners forget to renew their licenses. Chair Crabtree suggested lowering the fine here. Start at lower on the first offense and then increase on the second violation. Ms. Underwood stated that renewal of expired licenses has a delinquency fee of \$60 if they are within the two-year delinquency term. The fee goes to about \$150 for longer than two years. She recommended lowering the first offense fee to \$100, the second offense will remain \$300, and the third is \$500. Chair Crabtree agreed.

7317(d), Expired Individual License

Ms. Underwood stated that staff ranked this violation as a medium risk since it could be a mistake. Citations are not issued when individuals renew immediately after inspection.

7317(e), An Individual Working in an Expired Established License

Ms. Underwood stated this is cited when a person is fully licensed, but their salon owner forgot to renew their license or it's an expired establishment. The risk is ranked at low-medium since it is not the individual's fault. Fines start at \$25 and go up to \$100. Ms.

Underwood felt that low medium was an acceptable risk level, and the fine levels were suitable.

7317(f), An Individual Working in an Unlicensed Establishment

Ms. Underwood explained that this violation is not considered a mistake. It is somebody who could be working in an establishment that's trying to stay off the Board's radar or trying not to get an inspection. The risk level was raised to medium since it is riskier to a consumer. Fines are also higher.

Public comment.

- Wendy Cochran stated that for section 7313, there needs to be a mechanism for solo estheticians who do not have a receptionist. For 7317, Ms. Cochran stated there are many situations in which lash artists work from garage salons or through social media. She suggested doing more inspections. For 7317(c) and (d), Ms. Cochran felt that if these come to pass in the times of the COVID waivers, where fees are being waived, it will be a little confusing. For 7317(e), Ms. Cochran stated that some licensees are in lease situations in which they cannot break away from their irresponsible establishment owners. For 7317(f), Ms. Cochran stated that many med spas are in places that do not have an establishment license in place. Ms. Cochran wondered if a licensed esthetician would be cited for working with a doctor who does not have an establishment license.

Section 7320, Practice of Medicine

Ms. Underwood stated that SB 803 made a change recently that one cannot offer a service that's practice of medicine. If they are offering a service deemed practice of medicine, they can be cited. Staff ranked this as the highest risk and set the fine at \$1000 across first, second, and third offenses.

Chair Crabtree suggested raising the fine starting at \$1000, to \$1500, then \$2000. Ms. Underwood mentioned that by the time it gets to a third offense, the offender will have gone through the disciplinary process. The person will still have the option of going to the administrative law judge. Therefore, getting to a third offense entails several opportunities for inspections and hearings.

Mr. Hart asked if the penalty structure is set individually for each section based on the number of offenses or if a regulation requires the penalty amounts to increase based on a percentage for the second and the third. He stated that it would be better to set the penalty structure across the Board rather than for each individual violation. Ms. Underwood stated that the penalty structure had no regulatory structure but agreed it was a great idea.

The Committee will only be required to set the first offense based on the risk. From there, it would be a multiplier. Ms. Harris agreed that Mr. Hart's recommendation would make things uniform if implemented. Ms. Underwood explained that if the Committee decided to go with Mr. Hart's recommendation, they could end the discussion on fines. Staff would bring an updated report at the next meeting. Mr. Rierson pointed out that the

structure would not significantly differ on more minor fines, such as the ones that started at \$100. He indicated that the structure is set for fines over a certain threshold. Ms. Underwood agreed and added that other fines were very low risk. The Committee had the authority to recommend removing such fines.

7320.1, Use of Illegal Metal Tool

Ms. Underwood stated this violation is rarely cited because another regulation is more specific to finding an illegal tool. Ms. Underwood recommended not having a fine for this violation because it is already cited under regulations.

7320.2, Illegal Treatment Methods

Ms. Underwood stated this violation is a high risk, but no violation has been found yet. Ms. Underwood recommended leaving it intact.

7336, No Supervision of Apprentice

Ms. Underwood explained that this is cited when an inspector finds an apprentice providing services and their approved trainer is not directly supervising the apprentice. It is considered high risk, and the apprentice cited the violation for unlicensed activity and for providing services without supervision. Ms. Hamilton opined that the fine should fall on the supervisor. She stated that the supervisor would know that the apprentice was in the shop and provided the service in their absence. Ms. Underwood pointed out that a not present person cannot be cited. The starting fine for this violation was set at \$100.

7348, No Licensee in Charge of Establishment

Ms. Underwood explained that this Section of the law requires that every establishment must have at least one person willing to take responsibility to go over the inspection. The violation was ranked at medium risk, and the starting fine was set at \$100.

7349, Employing Unlicensed Person

Ms. Underwood explained that this violation goes to the establishment that employs someone who has not gone to school and has never been tested to obtain their license. The risk was ranked high and the fine starts at \$1000. Chair Crabtree suggested that the fee be raised each time because this is a frequent offense.

7349, Employing Unlicensed - Expired License

Ms. Underwood reported that the Governor waived the licensing renewal fee for people with expired licenses in 2021 and 2022. She stated that the fines are for people who work with expired licenses but not those willing to renew theirs.

7349.1, Illegal Use of a Barber Pole

Ms. Underwood explained that the barber pole issue does not harm customers, so there should not be a fine.

Public Comment

- Wendy Cochran was concerned that the word “employing” in 7349 sounded a little problematic considering the industry is in an independent contractor

situation. For 7320, she stated that estheticians need a way to verify with the Board whether a device is within their scope. For 7320.1, she noted that it implied the Board would employ field testing devices.

7350, Establishment Residential Use/Entrance/Prohibited Use

Ms. Underwood explained that they found this low-medium risk because there are few cases of people living inside the business establishment and it does not pose direct harm to customers.

7351, Restroom Requirements

Ms. Underwood reported this was rated medium risk because most establishments use their restrooms as storage units. Salons with public restrooms risk a \$50 fine if they use restrooms as storage units for cleaning products. Establishments need washing areas for themselves. Ms. Underwood suggested a \$100 fine, to which Chair Crabtree agreed.

7352, No Soap/Towels or Air Hand Dryer in Hand Washing Facilities

Chair Crabtree emphasized how important hand washing is and suggested the starting fine should be \$100.

7353.4, Labor Rights Notice Not Posted

Ms. Underwood stated salons are required to have certain labor information posted in their establishments. It was rated a low-medium risk to customers and can warrant a \$50 violation. Still, most licensees might not be aware of this requirement therefore not have them. Ms. Underwood suggested a campaign to educate the licensees on these requirements.

7358, No Licensee in Charge of Mobile Units

Ms. Underwood noted that there has never been a citation for this as a violation, however, it is a medium risk to customers. She suggested the fines remain the same.

7359, Employing an Unlicensed Person in a Mobile Unit

Ms. Underwood stated that this section poses a high risk to consumers, although a violation has never been cited. She added that the first offenses should be fined. The Board will be informed of a new fine in the following meeting.

7360, Mobile Unit – Residential/Prohibited Use

Ms. Underwood noted that there has never been a citation of a mobile units for residential use. She proposed that this be left as it was because there is a low probability of this happening in the future.

7400, No Change of Address Notice Filed

Ms. Underwood explained that this is considered low risk even though licensees must inform the Board when they are changing their addresses. If a licensee is found to have changed their address without notifying the Board, they will receive a citation. Ms. Underwood stated she did not think this should be a fineable violation. Chair Crabtree suggested reducing the fine to \$25 and they both agreed.

7404(l), Refusal or Interference with Inspection

Ms. Underwood stated that refusal or interference with an inspection was rated a high-risk violation because inspections pose a danger to inspectors. Inspections have the potential to turn violent and sometimes individuals run and hide. She suggested leaving the fine at \$1,000 and Chair Crabtree agreed.

904(d), No Photographic Identification Available

Ms. Underwood stated every licensee should show an identification that matches their license on the wall. This was rated high risk because there are high chances that someone is using another person's license if they do not show their identification. Chair Crabtree proposed they raise this fee to \$100. Ms. Hamilton disagreed, and suggested licenses have pictures on it. Ms. Underwood stated that the database could not store those pictures for renewal. Ms. Hamilton suggested if they could do it manually by putting a photo on the license.

905, Consumer Information Not Posted

Ms. Underwood stated this was ranked as a high risk because consumers need to know how to contact the Board if they need to file a complaint. Chair Crabtree proposed raising the fine to \$100.

920, Apprentice Training Records Not Available or Incomplete

Ms. Underwood explained that a apprentice trainer will be cited if they do not have the training records of an apprentice during an inspection. This was rated medium-high risk, and the fine for a first offense is \$100.

965, Display of License

Ms. Underwood explained that consumers should be able to see the license of the person providing services, so the high risk level and fine is appropriate.

978(a)(1),(a)(2),(a)(3),(a)(4), Receptacles, Cabinets, and Containers

Ms. Underwood stated this section was ranked as low-medium. When the inspector finds that the establishment does not have the minimum equipment the first offense is \$50.

978(a)(5), Insufficient Disinfectant for Immersion

Ms. Underwood stated this section was rated high risk and the first offense was \$100.

978(a)6, No Steam or Dry Heat Sterilizer for Electrology Tools

Ms. Underwood stated most establishments do not have these tools. Mr. Rierson stated the fine amounts were appropriate.

978(b), No Disinfectant Available for Use

Ms. Underwood stated an establishment without any disinfectant for use will be fined \$250 as this is a high-risk violation. Ms. Roste suggested the starting fine be increased to \$500 so it is equal with section 978(a)(6).

978(c), No Manufacturer Labeled Container for Disinfectant

Ms. Underwood stated establishments using disinfectants without the manufacturer labeled container are cited \$250 because this is a high risk to consumers. Mr. Rierson suggested raising the fine to \$500 so it is consistent with the previous section.

979, Disinfecting Non-electrical Tools

Ms. Underwood stated this section is one of the most-cited violations and it often has to do with labeling issues. This is a high-risk violation that carries a fine of \$100.

Public Comment

- Wendy Cochran stated that estheticians who set up their business in rental spaces do not have control over their restrooms and asked what the Board would do so they are not fined for not following the restroom requirements. Regarding the disinfectant container, she sought clarification if a citation would be given whenever they dispose of containers after a disinfectant has been finished in a container.

980(a), Incorrect Disinfection of Electrical Tools

Ms. Underwood stated a licensee will be fined \$100 for a first offense if they are found using dirty electrical tools on a client. This was ranked as a high risk to consumers.

980(b), Incorrect Storage of Electrical Items

Ms. Underwood stated this section was ranked as a medium-high risk, and a fine of \$50 will be charged for the first offense if a licensee is found to be in violation. This pertains to storage, whereas the previous section was regarding tools being dirty, which is why the fine is lower.

980(c), Incorrect Storage of Soiled Electrical Items

Ms. Underwood stated this was ranked medium-high risk, and the fine for a first violation is \$50. Ms. Crossett pointed out that the fine for clean and soiled storage of electrical items is the same, so violators may not see the gravity of the matter. Ms. Underwood asked Ms. Harris to provide data of repeat offenses on this particular issue of storage to be attached to the report.

980.1, Incorrect Disinfection of Pedicure Foot Spas

Ms. Underwood stated this is one of the highest consumer harm situations and is a high risk. A violation for this attracts a \$500 fine per chair. Ms. Underwood strongly advised against changing that fine and stated the circumstances through which this specific violation may occur. Ms. Roste asked what happened when citations dropped from 72 to 24 between 2016 to 2017, and in 2019 it went down to 12 cites. She also wanted to know why the charges do not increase on the second and third offenses. Ms. Underwood believed that citations had dropped because most salons started using liners. She added that the maximum fine amount for a citation is \$5,000 and the Committee that put this in place saw that every charge could go high with multiple chairs.

980.1(b), Incorrect, missing log of piped foot spa

Ms. Underwood stated this section is a medium risk with a \$100 fine for the first offense.

980.1(g), Requirement to Put a Sign on a Chair That Is Not in Service

Ms. Underwood stated all chairs out of service should be labeled as so or be cited a \$50 fine for the first offense. This is a low-medium risk.

980.2, Incorrect Disinfection of a Pipe-less Foot Spa

Ms. Underwood stated the number of citations for this section is decreasing because of the foot spa liners are allowed in California. This high risk warrants a \$500 fine for the first offense if procedures are not followed. Ms. Underwood advised against any recommendations for changing this.

980.2(b)(7), Incorrect, Missing Log of Pipe-less Foot Spa

Ms. Underwood stated this section is a medium risk with a first offense of \$100.

980.2(f), No Out of Service Sign for Spa Chair

Ms. Underwood stated this section is a low-medium risk with a fine of \$50 for the first offense.

980.3, Incorrect Disinfection of Non-Whirlpool Foot Basin Per Unit

Ms. Underwood stated this section is a high risk with a \$100 fine for the first offense. From her experience, the foot spa chairs cause more harm than the portable tubs, but it is still risky.

980.3(b)(6), Incorrect/Missing Log

Ms. Underwood stated a missing log will cause a \$50 fine for the first offense and is medium risk.

980.3(e) Improper Storage of Basins or Tubs

Ms. Underwood stated the storage of portable tubs was ranked low risk with a \$50 fine for the first offense.

980.4, Incorrect Disinfection of Foot Basin/Tub After Use of Disposable Liner

Ms. Underwood stated this section is rated as low risk because a liner was used, but the fine is \$500. Mr. Bryson wondered why such a low risk would attract a considerable fine. He asked if it was necessary to disinfect the basins even after using a liner instead of just cleaning. Ms. Crossett stated that they have been teaching students about disinfection with the pandemic. Regardless of whether a client came into direct contact with the surface, you have to disinfect it afterward. So, if a liner was used in a basin or not, it would be a good idea to disinfect it after use. Mr. Isbell agreed with Ms. Crossett's sentiments. Ms. Roste asked if the fine would apply to those people who reuse the liners, and Ms. Underwood said she believed that would also apply.

980.4(a)(2), Incorrect/Missing Log

Ms. Underwood stated this section is for an incorrect or missing log of a non-whirlpool foot basin and is a medium risk that cites \$100 for the first offense.

980.4(a)(4), Failure to Maintain the Supply of Liners

Ms. Underwood stated this section is cited when licensees do not have five liners per tub in their salon. This is a medium to high risk with a \$250 fine.

Public Comment

- Wendy Cochran mentioned that with insights from Jamie Schrabek of Precision Nails, maybe the foot spa issue can be solved by waterless pedicures. She also believed that there would be no contamination of foot spas by sneezing, thereby challenging the point disinfection of portable basins.

7. AGENDA ITEM #7, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Ms. Cochran pointed out that she and Ms. Schrabek had noticed that many of the worst cases of consumer harm, including amputations, are never reported to the Board of Barbering and Cosmetology. She urged the Committee to think beyond what can be observed in an inspection to what happens during a wrong service. She stated the Committee should recommend that legislation be passed requiring notification of settlements over a certain dollar amount just as with the Medical Board requires. Another thing to consider in this legislation on behalf of the California Aesthetic Alliance is that licensees are should be required to carry a minimal amount of liability insurance, protecting both the licensee and the consumer.

8. AGENDA ITEM #8, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Crossett suggested that the Board consider having offenders take education lessons to reduce fines instead of paying for the violations.

Public Comment

- Wendy Cochran stated that the responsibility falls on the schools to teach their students the rules and regulations that they should adhere to after getting their licenses.
- Jaime Schrabek asked the Board to look into the new legislation AB1003 and what it meant for their industry. Another new bill AB1820 would create a labor trafficking unit within Cal/OSHA which would also impact the industry.

9. AGENDA ITEM #9, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 1:30 p.m.